

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/880,648 06/23/97 MENDOLIA

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LM02/0302

EXAMINER

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ART UNIT

PAPER NUMBER

2744

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DATE MAILED:

03/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/880,648	Applicant(s) Mendolia
	Examiner Charles R. Craver	Group Art Unit 2744

- Responsive to communication(s) filed on _____.
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-13 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-13 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on Jun 23, 1997 is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "34" and "36" have both been used to designate the left peripheral side of the flip in figure 1. Correction is required.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabe, U.S. Patent #5,832,079.

Concerning claims 1, 2, 8 and 10,

Rabe discloses a flip style cellular phone comprising:

a main housing (12);

a flip (16), pivotally mounted to the main housing by hinges (16H and 16H@, see also column 2 line 63 - column 3 line 1), the flip having a free end remote from the hinges (figure 1);

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a microphone (32) mounted in the main housing; and
an acoustic pipe or channel (26) extending from the free end of the flip to the hinged end to carry sound from said free end to said hinged end, wherein said channel has a sound inlet (24) at the free end of the flip, and wherein said channel partly extends along one of the peripheral edges of the flip (see figure 2 and element 28). Said channel or pipe is in acoustic communication with said microphone (see abstract), transmitting sound from the inlet to the microphone.

Regarding claims 3 and 11, Rabe discloses a hollow hinge (16H@) connecting the acoustic channel to the microphone (column 3 lines 31-35).

Concerning claim 4, Rabe discloses an acoustic pipe providing a single acoustic pathway from the free end to the hinged end of the flip (see figure 2).

Further regarding claims 5, 9 and 12, Rabe further teaches that the acoustic channel can be of "other shapes and types" (column 3 lines 44-47), which could construe an acoustic channel occupying the entire inside volume of the flip or a u-shaped tube formed in the peripheral edge of the flip as taught by claim 9 of the present invention. An acoustic channel which occupies the entire inside volume of the flip or a u-shaped tube, for example, would extend along the entire peripheral edge of the flip. Such a shape can be construed as anticipated by Rabe.

Regarding claim 6, Rabe disclosed above that said acoustic channel is in communication with said microphone.

Regarding claims 7 and 13, Rabe discloses one or more hollow hinge connections separably connectable acoustically to the acoustic channel (column 5 lines 31-40). Two hinge

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connections, for example, would offer two acoustic paths to transmit sound to the microphone. Further, Rabe discloses that the "microphone may be mounted in any convenient place within the radiophone unit by merely repositioning and/or extending the interconnecting acoustic path." (column 5 lines 4-6) Thus the microphone could be placed closer to one acoustic hinge opening than another of the at least one hinge pins, making one of the aforementioned two acoustic paths of a differing length than the other.

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED"

or "DRAFT")

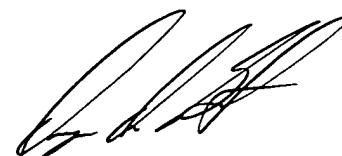
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



DWAYNE D. BOST
SUPERVISORY PATENT EXAMINER
GROUP 2700

C. Craver



February 19, 1999